

Register, and Daily State Leader, newspapers published in Des Moines, Iowa.

Approved, March 26, 1878.

I hereby certify that the foregoing act was published in the *Iowa State Leader*, April 1, and in the *Iowa State Register*, April 3, 1878.

JOSIAH T. YOUNG, *Secretary of State.*

## CHAPTER 171.

### CHANGE OF VENUE IN CRIMINAL CASES.

H. F. 581. AN ACT to Amend Section 4374 of Chapter 24, Title XXV., of the Code of 1873.

*Be it enacted by the General Assembly of the State of Iowa:*

SECTION 1. That section 4374 of the Code of 1873, be and the same is hereby amended by adding thereto the following: "Provided, That where application is made for a change of venue on the ground of the prejudice of the judge, by a defendant who has been once tried before said judge upon the same indictment, or when a co-defendant jointly indicted has been so tried, such petition shall be granted."

SEC. 2. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the *Iowa State Register*, and *Iowa State Leader*, newspapers published at Des Moines, Iowa.

Approved, March 26, 1878.

I hereby certify that the foregoing act was published in the *Iowa State Register*, and *Iowa State Leader*, March 30, 1878.

JOSIAH T. YOUNG, *Secretary of State.*

## CHAPTER 172.

### CONCERNING REGULATION OF THE SALE OF COAL OIL.

S. F. 22. AN ACT to Authorize Cities, Towns, and Townships, to Regulate the Sale of Coal Oil.

*Be it enacted by the General Assembly of the State of Iowa:*

SECTION 1. That the mayor and council of any city or incorporated town, or the township trustees in townships wherein no city or incorporated town is situated, may, and upon the petition of any five inhabitants thereof, shall annually appoint one or more suitable persons, not interested in the sale or manufacture of coal oil, kerosene, or the product of petroleum, to be inspectors thereof in

Council or trustees may appoint inspectors.

said cities, towns, or township, and fix their compensation, which shall not exceed five cents per package, to be paid by the party requiring their services, and who, before entering upon the duties of such office, shall take and subscribe an oath, and shall also execute a bond to the state of Iowa, in such sum and with such sureties, as shall be approved by said council or township trustees, and conditioned for the faithful performance of *his* [their] duties; and any person aggrieved by the misconduct or neglect of such inspector, may maintain suit thereon for his own use, for all damages sustained.

SEC. 2. Upon the application of any person, purchaser, manufacturer, refiner or producer of, or any dealer in such oils or fluids, said inspector shall test the same, with reasonable dispatch, by applying the proper fire-test thereto in quantities not less than one pint, as indicated and determined by some accurate instrument and apparatus, approved and used for testing the quality of such illuminating oils or fluids, which instrument or apparatus the inspector shall provide at his own expense and cost. If the oils or fluids so tested will not ignite or explode at a temperature less than one hundred and fifty degrees, Fahrenheit, to be ascertained as aforesaid, said inspector shall mark, plainly and indelibly, over his official signature, with the date thereof, on each cask, barrel, tank or package so tested, "approved, fire-test being 150 degrees" or more, as the same may prove; but if such oils or fluids will ignite or explode at a temperature less than one hundred and fifty degrees Fahrenheit, then the inspector shall so mark on each cask, barrel, tank or package so tested, "condemned for illuminating purposes, fire-test being — degrees," as the same may prove less than one hundred and fifty degrees Fahrenheit. Said inspector shall keep a record of all inspections made, and enter the same within twenty-four hours thereafter in a book kept for that purpose, which shall be at all times accessible for examination by any person; and upon the termination of his office, said inspector shall turn the same over to the clerk or recorder of said city, incorporated town or township.

Proceedings  
in inspection  
of oils.

SEC. 3. Any inspector who shall falsely brand or mark any cask, barrel, tank or package, or be guilty of any fraud, deceit, misconduct or culpable negligence in the discharge of any of his official duties, or who shall either directly or indirectly deal in any such oils or fluids, while holding the office of inspector, shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not exceeding one hundred dollars, or imprisonment not exceeding thirty days, and shall be liable to the party injured for all damages occasioned thereby.

Penalty for  
falsely brand-  
ing casks, &c.

SEC. 4. Any manufacturer or refiner of, or any dealer in any such oils or fluids, the product of petroleum, who shall sell or offer the same for sale, to any person, for illuminating purposes, without the same shall have been so inspected, or shall sell or offer for sale any such oils or fluids, as aforesaid, which is below the test of one hundred and fifty degrees Fahrenheit, as provided in section 2 of this act, or who shall use any cask, barrel, tank or package, with the inspector's brand or mark thereon,

Penalty for  
selling oil not  
inspected.

the oil or fluid therein contained not having been so inspected, or who shall counterfeit any such inspector's brand or mark, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be liable to the same penalties provided in, and subject to, the same liabilities as set forth in section three of this act.

Publication. SEC. 5. This act, being deemed of immediate importance, shall be in force from and after its publication in the *Iowa State Register*, and *Iowa State Leader*, newspapers published at Des Moines, Iowa.

Approved, March 26, 1878.

I hereby certify that the foregoing act was published in the *Iowa State Leader*, April 10, and in the *Iowa State Register*, April 11, 1878.

JOSIAH T. YOUNG, *Secretary of State*.

## CHAPTER 173.

### VOTING AID IN THE CONSTRUCTION OF RAILROADS.

S. F. 93. AN ACT to amend Chapter 123 of the Laws of the Sixteenth General Assembly relating to Taxes in aid of Railroads, which is entitled, "An Act to enable Townships and Incorporated Towns and Cities to aid in the construction of Railroads."

*Be it enacted by the General Assembly of the State of Iowa:*

How aid may be given. SECTION 1. That it shall be lawful for any township, incorporated town or city to aid in the construction of any projected railroad in this state as hereinafter provided.

First mortgage bonds. SEC. 2. Whenever it shall be proposed in the petition and notice, which are provided in section 2 of chapter 123 of the laws of sixteenth general assembly, to issue 1st mortgage bonds not exceeding in amount the limit established in section 6 of said act, in lieu of stock as provided in section 5 of said act, it shall be lawful to issue said bonds of the denomination of one hundred dollars in the same manner as is provided for the issue of stock in said act.

Petition and notice shall state. SEC. 3. Whenever it is proposed to issue bonds in lieu of stock as aforesaid, the petition and notice shall state the amount of bonds per mile of road to be issued, the per centum of interest, and time of the payment of the interest and principal of the bonds.

Publication. SEC. 4. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the *Iowa State Leader*, and *Iowa State Register*, newspapers published in Des Moines, Iowa.

Approved, March 26, 1878.

I hereby certify that the foregoing act was published in the *Iowa State Leader*, April 1, and in the *Iowa State Register*, April 3, 1878.

JOSIAH T. YOUNG, *Secretary of State*.